

महाराष्ट्र वैद्यकीय सेवा देणाऱ्या व्यक्ती
आणि वैद्यक सेवा संस्था (हिंसाचार व
संपत्तीचे नुकसान प्रतिबंध) अधिनियम,
२०१० (Maharashtra Act No. XI OF
2010) ची प्रभावी अंमलबजावणी करणे
बाबत.

महाराष्ट्र शासन
गृह विभाग
शासन परिपत्रक क्रमांक: सीआरटी.०११४/प्र.क्र.३६/पोल-१२
गृह विभाग, मंत्रालय, ३० वा माळा, जागतिक व्यापार केंद्र,
कफ परेड, मुंबई - ४००००५.
दिनांक : ०१ फेब्रुवारी, २०१४

शासन परिपत्रक :

राज्यात वैद्यकीय सेवा देणाऱ्या व्यक्ती आणि वैद्यकीय सेवा संस्था यांच्यावर होणाऱ्या हल्ल्याच्या अनुषंगाने महाराष्ट्र वैद्यकीय सेवा देणाऱ्या व्यक्ती आणि वैद्यक सेवा संस्था (हिंसाचार व संपत्तीचे नुकसान प्रतिबंध) अधिनियम, २०१० अस्तित्वात आहे या कायद्याच्या कलमात संबंधित दोषी व्यक्तींवर दोषारोप, शास्ती इत्यादी तरतुदी अंतर्भूत आहेत. यानुसार वैद्यकीय सेवा देणाऱ्या व्यक्ती व संस्था यांच्यावर झालेल्या हल्ल्यासंदर्भात कारवाई करण्याच्या सूचना या परिपत्रकाद्वारे राज्यातील सर्व पोलीस अधिकाऱ्यांना देण्यात येत आहेत. तसेच या कायद्याची प्रभावी अंमलबजावणी करण्याचे निर्देश देण्यात येत आहेत. राज्यातील सर्व पोलीस अधिकाऱ्यांना या कायद्याची जागृती करण्यासंदर्भात कार्यशाळा आयोजित कराव्यात तसेच पोलीस प्रशिक्षणातसुधा याचा समावेश करण्यात यावा असे आदेश मा. उच्च न्यायालयाने फौजदारी जन हित याचिका क्र. ०१/२०१४ मध्ये दि. १७/०१/२०१४ रोजी दिलेले आहेत.

मा. उच्च न्यायालयाच्या आदेशाच्या अनुषंगाने आवश्यकती कार्यवाही करावी व विषयांकित अधिनियम २०१० ची काटेकोर अंमलबजावणी करण्यासाठी हे परिपत्रक अधिनियमाच्या प्रतीसह आपल्या कार्यक्षेत्रातील सर्व पोलीस स्टेशनला उपलब्ध करून द्यावे. तात्काळ संदर्भासाठी विषयांकित अधिनियमाची प्रत सोबत जोडली आहे.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेताक २०१४०२०११६०५१०१७२९ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(पु. हि. वागदे)

उप सचिव, गृह विभाग, महाराष्ट्र शासन.

प्रत,

१. पोलीस महासंचालक, महाराष्ट्र राज्य, मुंबई.
२. संचालक, महाराष्ट्र पोलीस अँकेडमी, नाशिक.
३. अतिरिक्त पोलीस महासंचालक, (प्रशिक्षण).
४. पोलीस महानिरीक्षक (सर्व परिक्षेत्र).
५. सर्व पोलीस आयुक्त.
६. सर्व पोलीस अधीक्षक.
७. उप सचिव, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई.
८. उप सचिव, वैद्यकिय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई.
९. उप सचिव (विधी), गृह विभाग, मंत्रालय, मुंबई.
१०. निवडनस्ती पोल-१२.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक १६] बुधवार, एप्रिल २८, २०१०/वैशाख ८, शके १९३२ [पृष्ठे ४, किंमत : रुपये ११.००

असाधारण क्रमांक ३६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010 (Mah. Act No. XI of 2010), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2010.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 28th April 2010.)

An Act to provide for the prevention of violence against Medicare Service Persons and prevention of damage or loss of property of Medicare Service Institutions in the State of Maharashtra and for matters connected therewith or incidental thereto.

WHEREAS acts of violence of causing injury or danger to life of Medicare Service Persons and damage or loss to the property of Medicare Service Institutions were on increase in the State creating unrest in Medicare Service Persons and professionals resulting in total hindrance of such services in the State;

AND WHEREAS it had become necessary to provide for the prevention of violence against Medicare Service Persons and prevention of damage or loss of property of Medicare Service Institutions from such violent activities ;

AND WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make necessary provisions, for the purposes aforesaid ; and, therefore, promulgated the Maharashtra Medicare ^{Mah.} Service Persons and Medicare Service Institution (Prevention of ^{of} Violence and Damage or Loss to Property) Ordinance, 2010, on ^{Ord. I} 2010. the 17th February 2010 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

Short title, extent and commencement: 1. (1) This Act may be called the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 17th February 2010.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "Medicare Service Institution" means an institution, providing medicare service to people either in Medicare Service Institution or through Mobile Medicare Unit or by arranging medical check up camps, under the control of the State Government or the Central Government, or a local body including any private hospital having facilities for treatment of the sick and used for their reception or stay in any private maternity home, where women are usually received and accommodated for the purpose of confinement and ante-natal and post-natal care in connection with the child birth or anything connected therewith and any private nursing home used or intended to be used for the reception and accommodation of person suffering from any sickness, injury or infirmity, whether of body or mind, and providing of treatment or nursing or both of them and includes convalescent home ;

(b) "Medicare Service Person", in relation to Medicare Service Institution, shall include,—

(i) Registered Medical Practitioner, Practitioner or Registered Practitioner (including a person having provisional registration) working in a Medicare Service Institution other than the public servant within the meaning of section 21 of the Indian Penal Code ;

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(ii) Registered Nurse, registered under the Maharashtra Nurses Act, 1966, other than the public servant within the meaning of section 21 of the Indian Penal Code;

(iii) Medical Student;

(iv) Nursing Student; and

(v) Para-Medical Worker and other member staff or worker directly or indirectly employed by a Medicare Service Institution for providing required services other than the public servant within the meaning of section 21 of the Indian Penal Code.

Explanation.—For the purpose of this Act, the expression Registered Medical Practitioner, Practitioner or Registered Practitioner, Nurse, shall have the same meanings, as assigned to them in the Maharashtra Medical Practitioners' Act, 1961, the Maharashtra Medical Council Act, 1965, the Bombay Homoeopathic Practitioners' Act, 1959 and the Maharashtra Nurses Act, 1966;

(c) "Medical Student" means a student, who is undergoing training or studies in medical profession;

(d) "Mobile Medical Unit" means an ambulance equipped with medical equipment, used for providing medicare services;

(e) "Nursing Student" means a student, who is undergoing training or studies in nursing profession;

(f) "Offender" means any person, who either by himself or as a member or leader of a group of persons or organization commits or attempts to commit or abets or incites the commission of violence under this Act;

(g) "Para-Medical Worker" means a person, who assists the Medicare Service Person providing medicare services;

(h) "Property" means any property, movable or immovable or medical equipment or medical machinery owned by or in possession of, or under the control of any Medicare Service Person or Medicare Service Institution;

(i) "Violence" means an act, which causes or may cause any harm, injury or endangering the life of, or intimidation, obstruction or hindrance to, any Medicare Service Person in discharging his duty in a Medicare Service Institution or causing damage or loss to the property in a Medicare Service Institution.

3. Any act of violence against a Medicare Service Person or damage or loss to the property in a Medicare Service Institution, shall be prohibited.

Penalty. 4. Any offender, who commits or attempts to commit or abets or incites the commission of any act of violence in contravention of the provisions of section 3, shall be punished with imprisonment which may extend to three years and with fine, which may extend to fifty thousand rupees.

Cognizance of offence. 5. Any offence committed under this Act, shall be cognizable and non-bailable and triable by the Court of Judicial Magistrate of the First Class.

Liability to pay compensation for loss or damage caused to property. 6. (1) In addition to the punishment specified in section 4, the offender shall be liable to pay compensation of twice the amount of damage or loss caused to the property, as may be determined by the Court referred to in section 5.

(2) If the offender has not paid the compensation imposed under sub-section (1), the same sum shall be recovered as if it were an arrear of land revenue.

Authority to aid and advise victims of medical negligence. 7. (1) The State Government shall, by notification in the *Official Gazette*, establish the Authority for the area as may be specified in such notification, to hear grievances of victims of medical negligence or mismanagement and to aid and advise such victims for taking recourse to an appropriate forum for suitable relief.

(2) The Authority shall consist of experts one each from the field of medical, law, consumer movement and health management.

(3) The conditions of service of the experts mentioned in sub-section (2), and the procedure to be followed by the Authority shall be such as may be specified by the State Government by an order in this behalf.

Act not in derogation of any other law. 8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Repeal of Mah. Ord. I of 2010 and saving. 9. (1) The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Ordinance, 2010, is hereby repealed. Mah. Ord. I of 2010.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.